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FILED
DISTRICT COURT OF GUAM
NOV 23 2004
MARY L. M. MORAN
CLERK OF COURT

IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM

JAY MERRILL, on his own behalf and on) CIVIL CASE NO. CIV04-00046
behalf of all other similarly situated voters)
desirous of casting a vote in favor of)
Proposal A at a fair and legal election,)

Plaintiffs,)
vs.)
)
) **DECLARATION OF PAUL M.**
lection Commission; Gerald) **McDONALD**
and in his capacity as the)
rector of The Guam Election)
I Mina' Bente Siete Na)
Guahan (The 27th Guam)
Felix P. Camacho, in his)
ty as the Governor Of Guam.)
)
Defendants.)

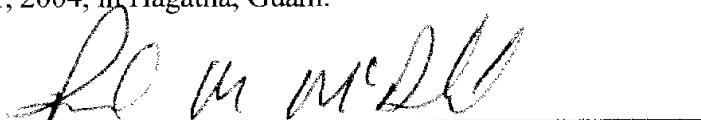
I, PAUL M. McDONALD, do hereby declare as follows:

1. I am the Mayor of Agana Heights.
2. I have personal knowledge of the matters stated herein and if called, could and would testify competently thereto.
3. The Friday before the Tuesday, November 2, 2004 election, my office received a thick envelope from the Guam Election Commission. In the ordinary course of business, the envelope was not opened until after election day, which was a holiday. The envelope contained a copy of Proposal A. Proposal A was not posted at the Agana Heights Mayor's office before or

during the November 2, 2004 election. There were no complete copies of Proposal A available to any registered voters at the Agana Heights Mayor's office before or during the November 2, 2004 election.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 11 day of November, 2004, in Hagåtña, Guam.



PAUL M. McDONALD